

112TH CONGRESS  
1ST SESSION

# H. R. 2572

To amend title 18, United States Code, to deter public corruption, and  
for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 15, 2011

Mr. SENSENBRENNER (for himself and Mr. QUIGLEY) introduced the following  
bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend title 18, United States Code, to deter public  
corruption, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Clean Up Government  
5 Act of 2011”.

6 **SEC. 2. APPLICATION OF MAIL AND WIRE FRAUD STATUTES**

7                   **TO LICENCES AND OTHER INTANGIBLE**  
8                   **RIGHTS.**

9       Sections 1341 and 1343 of title 18, United States  
10 Code, are each amended by striking “money or property”

1 and inserting “money, property, or any other thing of  
2 value”.

3 **SEC. 3. VENUE FOR FEDERAL OFFENSES.**

4 Section 3237(a) of title 18, United States Code, is  
5 amended by inserting after “begun, continued, or com-  
6 pleted” the following: “or in any district in which an act  
7 in furtherance of an offense is committed”.

8 **SEC. 4. THEFT OR BRIBERY CONCERNING PROGRAMS RE-**  
9 **CEIVING FEDERAL FINANCIAL ASSISTANCE.**

10 Section 666(a) of title 18, United States Code, is  
11 amended—

12 (1) by striking “10 years” and inserting “20  
13 years”;

14 (2) by striking “\$5,000” each place it appears  
15 and inserting “\$1,000”;

16 (3) by striking “anything of value” each place  
17 it appears and inserting “any thing or things of  
18 value”; and

19 (4) in paragraph (1)(B), by inserting after “any  
20 thing” the following: “or things”.

21 **SEC. 5. PENALTY FOR SECTION 641 VIOLATIONS.**

22 Section 641 of title 18, United States Code, is  
23 amended by striking “ten years” and inserting “20  
24 years”.

1 **SEC. 6. BRIBERY AND GRAFT.**

2 Section 201 of title 18, United States Code, is  
3 amended—

4 (1) in subsection (a)—

5 (A) in paragraph (2), by striking “and” at  
6 the end;

7 (B) in paragraph (3), by striking the pe-  
8 riod at the end; and

9 (C) by adding at the end the following:

10 “(4) the term ‘rule or regulation’ means a Fed-  
11 eral regulation or a rule of the House of Representa-  
12 tives or the Senate, including those rules and regula-  
13 tions governing the acceptance of campaign con-  
14 tributions.”;

15 (2) in subsection (b), by striking “fifteen years”  
16 and inserting “20 years”;

17 (3) in subsection (c)—

18 (A) by striking “two years” and inserting  
19 “five years”; and

20 (B) in paragraph (1), in the matter pre-  
21 ceding subparagraph (A), to read as follows:  
22 “otherwise than as provided by law for the  
23 proper discharge of official duty, or by rule or  
24 regulation—”; and

1           (4) by striking “anything of value” each place  
2           it appears and inserting “any thing or things of  
3           value”.

4 **SEC. 7. ADDITION OF DISTRICT OF COLUMBIA TO THEFT OF**  
5 **PUBLIC MONEY OFFENSE.**

6           Section 641 of title 18, United States Code, is  
7 amended by inserting “the District of Columbia or” before  
8 “the United States” each place such term appears.

9 **SEC. 8. CLARIFICATION OF CRIME OF ILLEGAL GRATU-**  
10 **ITIES.**

11           Subparagraphs (A) and (B) of section 201(c)(1) of  
12 title 18, United States Code, are each amended by insert-  
13 ing “the official’s or person’s official position or” before  
14 “any official act”.

15 **SEC. 9. CLARIFICATION OF DEFINITION OF “OFFICIAL ACT”.**

16           Section 201(a)(3) of title 18, United States Code, is  
17 amended to read as follows:

18           “(3) the term ‘official act’—

19                   “(A) includes any act within the range of  
20                   official duty, and any decision, recommendation,  
21                   or action on any question, matter, cause, suit,  
22                   proceeding, or controversy, which may at any  
23                   time be pending, or which may by law be  
24                   brought before any public official, in such pub-

1           lic official’s official capacity or in such official’s  
2           place of trust or profit;

3                   “(B) may be a single act, more than one  
4           act, or a course of conduct; and

5                   “(C) includes a decision or recommenda-  
6           tion that a government should not take ac-  
7           tion.”.

8   **SEC. 10. AMENDMENT OF THE SENTENCING GUIDELINES**  
9                   **RELATING TO CERTAIN CRIMES.**

10           (a) **DIRECTIVE TO SENTENCING COMMISSION.**—Pur-  
11           suant to its authority under section 994(p) of title 28,  
12           United States Code, and in accordance with this section,  
13           the United States Sentencing Commission forthwith shall  
14           review and amend its guidelines and its policy statements  
15           applicable to persons convicted of an offense under section  
16           201, 641, or 666 of title 18, United States Code in order  
17           to reflect the intent of Congress that such penalties be  
18           increased in comparison to those currently provided by  
19           guidelines and policy statements.

20           (b) **REQUIREMENTS.**—In carrying out this sub-  
21           section, the Commission shall—

22                   (1) ensure that the sentencing guidelines and  
23           policy statements reflect Congress’s intent that the  
24           guidelines and policy statements reflect the serious  
25           nature of the offenses described in paragraph (1),

1 the incidence of such offenses, and the need for an  
2 effective deterrent and appropriate punishment to  
3 prevent such offenses;

4 (2) consider the extent to which the guidelines  
5 may or may not appropriately account for—

6 (A) the potential and actual harm to the  
7 public and the amount of any loss resulting  
8 from the offense;

9 (B) the level of sophistication and planning  
10 involved in the offense;

11 (C) whether the offense was committed for  
12 purposes of commercial advantage or private fi-  
13 nancial benefit;

14 (D) whether the defendant acted with in-  
15 tent to cause either physical or property harm  
16 in committing the offense;

17 (E) the extent to which the offense rep-  
18 resented an abuse of trust by the offender and  
19 was committed in a manner that undermined  
20 public confidence in the Federal, State or local  
21 government; and

22 (F) whether the violation was intended to  
23 or had the effect of creating a threat to public  
24 health or safety, injury to any person or even  
25 death;

1           (3) assure reasonable consistency with other  
2 relevant directives and with other sentencing guide-  
3 lines;

4           (4) account for any additional aggravating or  
5 mitigating circumstances that might justify excep-  
6 tions to the generally applicable sentencing ranges;

7           (5) make any necessary conforming changes to  
8 the sentencing guidelines; and

9           (6) assure that the guidelines adequately meet  
10 the purposes of sentencing as set forth in section  
11 3553(a)(2) of title 18, United States Code.

12 **SEC. 11. EXTENSION OF STATUTE OF LIMITATIONS FOR SE-**  
13 **RIOUS PUBLIC CORRUPTION OFFENSES.**

14           (a) IN GENERAL.—Chapter 213 of title 18, United  
15 States Code, is amended by adding at the end the fol-  
16 lowing:

17 **“§ 3302. Corruption offenses**

18           “Unless an indictment is returned or the information  
19 is filed against a person within 6 years after the commis-  
20 sion of the offense, a person may not be prosecuted, tried,  
21 or punished for a violation of, or a conspiracy or an at-  
22 tempt to violate the offense in—

23                   “(1) section 201 or 666;

24                   “(2) section 1341 or 1343, when charged in  
25 conjunction with section 1346 and where the offense

1 involves a scheme or artifice to deprive another of  
2 the intangible right of honest services of a public of-  
3 ficial;

4 “(3) section 1951, if the offense involves extor-  
5 tion under color of official right;

6 “(4) section 1952, to the extent that the unlaw-  
7 ful activity involves bribery; or

8 “(5) section 1962, to the extent that the racket-  
9 eering activity involves bribery chargeable under  
10 State law, involves a violation of section 201 or 666,  
11 section 1341 or 1343, when charged in conjunction  
12 with section 1346 and where the offense involves a  
13 scheme or artifice to deprive another of the intan-  
14 gible right of honest services of a public official, or  
15 section 1951, if the offense involves extortion under  
16 color of official right.”.

17 (b) CLERICAL AMENDMENT.—The table of sections  
18 at the beginning of chapter 213 of title 18, United States  
19 Code, is amended by adding at the end the following new  
20 item:

“3302. Corruption offenses.”.

21 (c) APPLICATION OF AMENDMENT.—The amend-  
22 ments made by this section shall not apply to any offense  
23 committed before the date of enactment of this Act.



1 **SEC. 12. INCREASE OF MAXIMUM PENALTIES FOR CERTAIN**  
2 **PUBLIC CORRUPTION RELATED OFFENSES.**

3 (a) SOLICITATION OF POLITICAL CONTRIBUTIONS.—  
4 Section 602(a)(4) of title 18, United States Code, is  
5 amended by striking “3 years” and inserting “10 years”.

6 (b) PROMISE OF EMPLOYMENT FOR POLITICAL AC-  
7 TIVITY.—Section 600 of title 18, United States Code, is  
8 amended by striking “one year” and inserting “10 years”.

9 (c) DEPRIVATION OF EMPLOYMENT FOR POLITICAL  
10 ACTIVITY.—Section 601(a) of title 18, United States  
11 Code, is amended by striking “one year” and inserting  
12 “10 years”.

13 (d) INTIMIDATION TO SECURE POLITICAL CON-  
14 TRIBUTIONS.—Section 606 of title 18, United States  
15 Code, is amended by striking “three years” and inserting  
16 “10 years”.

17 (e) SOLICITATION AND ACCEPTANCE OF CONTRIBU-  
18 TIONS IN FEDERAL OFFICES.—Section 607(a)(2) of title  
19 18, United States Code, is amended by striking “3 years”  
20 and inserting “10 years”.

21 (f) COERCION OF POLITICAL ACTIVITY BY FEDERAL  
22 EMPLOYEES.—Section 610 of title 18, United States  
23 Code, is amended by striking “three years” and inserting  
24 “10 years”.

1 **SEC. 13. ADDITIONAL RICO PREDICATES.**

2 (a) IN GENERAL.—Section 1961(1) of title 18,  
3 United States Code, is amended—

4 (1) by inserting “section 641 (relating to em-  
5 bezzlement or theft of public money, property, or  
6 records),” after “473 (relating to counterfeiting),”;

7 (2) by inserting “section 666 (relating to theft  
8 or bribery concerning programs receiving Federal  
9 funds),” after “section 664 (relating to embezzle-  
10 ment from pension and welfare funds),”; and

11 (3) by inserting “section 1031 (relating to  
12 major fraud against the United States)” after “sec-  
13 tion 1029 (relating to fraud and related activity in  
14 connection with access devices),”.

15 (b) CONFORMING AMENDMENTS.—Section  
16 1956(c)(7)(D) of title 18, United States Code, is amend-  
17 ed—

18 (1) by striking “section 641 (relating to public  
19 money, property, or records),”; and

20 (2) by striking “section 666 (relating to theft  
21 or bribery concerning programs receiving Federal  
22 funds),”.

23 **SEC. 14. ADDITIONAL WIRETAP PREDICATES.**

24 Section 2516(1)(c) of title 18, United States Code,  
25 is amended—

1           (1) by inserting “section 641 (relating to em-  
2           bezzlement or theft of public money, property, or  
3           records), section 666 (relating to theft or bribery  
4           concerning programs receiving Federal funds),”  
5           after “section 224 (bribery in sporting contests),”;  
6           and

7           (2) by inserting “section 1031 (relating to  
8           major fraud against the United States)” after “sec-  
9           tion 1014 (relating to loans and credit applications  
10          generally; renewals and discounts),”.

11 **SEC. 15. EXPANDING VENUE FOR PERJURY AND OBSTRUC-**  
12 **TION OF JUSTICE PROCEEDINGS.**

13          (a) **IN GENERAL.**—Section 1512(i) of title 18, United  
14 States Code, is amended to read as follows:

15          “(i) A prosecution under section 1503, 1504, 1505,  
16 1508, 1509, 1510, or this section may be brought in the  
17 district in which the conduct constituting the alleged of-  
18 fense occurred or in which the official proceeding (whether  
19 or not pending or about to be instituted) was intended  
20 to be affected.”.

21          (b) **PERJURY.**—

22               (1) **IN GENERAL.**—Chapter 79 of title 18,  
23 United States Code, is amended by adding at the  
24 end the following:

1 **“§ 1624. Venue**

2 “A prosecution under section 1621(1), 1622 (in re-  
 3 gard to subornation of perjury under 1621(1)), or 1623  
 4 of this title may be brought in the district in which the  
 5 oath, declaration, certificate, verification, or statement  
 6 under penalty of perjury is made or in which a proceeding  
 7 takes place in connection with the oath, declaration, cer-  
 8 tificate, verification, or statement.”.

9 (2) CLERICAL AMENDMENT.—The table of sec-  
 10 tions at the beginning of chapter 79 of title 18,  
 11 United States Code, is amended by adding at the  
 12 end the following:

“1624. Venue.”.

13 **SEC. 16. PROHIBITION ON UNDISCLOSED SELF-DEALING BY**  
 14 **PUBLIC OFFICIALS.**

15 (a) IN GENERAL.—Chapter 63 of title 18, United  
 16 States Code, is amended by inserting after section 1346  
 17 the following new section:

18 **“§ 1346A. Undisclosed self-dealing by public officials**

19 “(a) UNDISCLOSED SELF-DEALING BY PUBLIC OFFI-  
 20 CIALS.—For purposes of this chapter, the term ‘scheme  
 21 or artifice to defraud’ also includes a scheme or artifice  
 22 by a public official to engage in undisclosed self-dealing.

23 “(b) DEFINITIONS.—As used in this section:

24 “(1) OFFICIAL ACT.—The term ‘official act’—

1           “(A) includes any act within the range of  
2           official duty, and any decision, recommendation,  
3           or action on any question, matter, cause, suit,  
4           proceeding, or controversy, which may at any  
5           time be pending, or which may by law be  
6           brought before any public official, in such pub-  
7           lic official’s official capacity or in such official’s  
8           place of trust or profit;

9           “(B) may be a single act, more than one  
10          act, or a course of conduct; and

11          “(C) includes a decision or recommenda-  
12          tion that a government should not take action.

13          “(2) PUBLIC OFFICIAL.—The term ‘public offi-  
14          cial’ means an officer, employee, or elected or ap-  
15          pointed representative, or person acting for or on be-  
16          half of the United States, a State, or a subdivision  
17          of a State, or any department, agency or branch of  
18          government thereof, in any official function, under  
19          or by authority of any such department, agency, or  
20          branch of government.

21          “(3) STATE.—The term ‘State’ includes a State  
22          of the United States, the District of Columbia, and  
23          any commonwealth, territory, or possession of the  
24          United States.

1           “(4) UNDISCLOSED SELF-DEALING.—The term  
2           ‘undisclosed self-dealing’ means that—

3                   “(A) a public official performs an official  
4                   act for the purpose, in whole or in material  
5                   part, of furthering or benefitting a financial in-  
6                   terest of—

7                           “(i) the public official;

8                           “(ii) the spouse or minor child of a  
9                           public official;

10                          “(iii) a general business partner of the  
11                          public official;

12                          “(iv) a business or organization in  
13                          which the public official is serving as an  
14                          employee, officer, director, trustee, or gen-  
15                          eral partner;

16                          “(v) an individual, business, or orga-  
17                          nization with whom the public official is  
18                          negotiating for, or has any arrangement  
19                          concerning, prospective employment or fi-  
20                          nancial compensation; or

21                          “(vi) an individual, business, or orga-  
22                          nization from whom the public official has  
23                          received any thing or things of value, oth-  
24                          erwise than as provided by law for the

1 proper discharge of official duty, or by rule  
2 or regulation; and

3 “(B) the public official knowingly falsifies,  
4 conceals, or covers up material information that  
5 is required to be disclosed by any Federal,  
6 State, or local statute, rule, regulation, or char-  
7 ter applicable to the public official, or the know-  
8 ing failure of the public official to disclose ma-  
9 terial information in a manner that is required  
10 by any Federal, State, or local statute, rule,  
11 regulation, or charter applicable to the public  
12 official.

13 “(5) MATERIAL INFORMATION.—The term ‘ma-  
14 terial information’ includes information—

15 “(A) regarding a financial interest of a  
16 person described in clauses (i) through (iv)  
17 paragraph (4)(A); and

18 “(B) regarding the association, connection,  
19 or dealings by a public official with an indi-  
20 vidual, business, or organization as described in  
21 clauses (iii) through (vi) of paragraph 4.”.

22 (b) CONFORMING AMENDMENT.—The table of sec-  
23 tions for chapter 63 of title 18, United States Code, is  
24 amended by inserting after the item relating to section  
25 1346 the following new item:

“1346A. Undisclosed self-dealing by public officials.”.

1 (c) APPLICABILITY.—The amendments made by this  
2 section apply to acts engaged in on or after the date of  
3 the enactment of this Act.

4 **SEC. 17. DISCLOSURE OF INFORMATION IN COMPLAINTS**  
5 **AGAINST JUDGES.**

6 Section 360(a) of title 28, United States Code, is  
7 amended—

8 (1) in paragraph (2) by striking “or”;

9 (2) in paragraph (3), by striking the period at  
10 the end, and inserting “; or”; and

11 (3) by inserting after paragraph (3) the fol-  
12 lowing:

13 “(4) such disclosure of information regarding a  
14 potential criminal offense is made to the Attorney  
15 General, a Federal, State, or local grand jury, or a  
16 Federal, State, or local law enforcement agency.”.

17 **SEC. 18. CLARIFICATION OF EXEMPTION IN CERTAIN BRIB-**  
18 **ERY OFFENSES.**

19 Section 666(e) of title 18, United States Code, is  
20 amended—

21 (1) by striking “This section does not apply  
22 to”; and

23 (2) by inserting “The term ‘anything of value’  
24 that is corruptly solicited, demanded, accepted or  
25 agreed to be accepted in subsection (a)(1)(B) or cor-



1 ruptly given, offered, or agreed to be given in sub-  
2 section (a)(2) shall not include”, before “bona fide  
3 salary”.

4 **SEC. 19. CERTIFICATIONS REGARDING APPEALS BY**  
5 **UNITED STATES.**

6 Section 3731 of title 18, United States Code, is  
7 amended by inserting after “United States attorney” the  
8 following: “, Deputy Attorney General, Assistant Attorney  
9 General, or the Attorney General”.

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